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Counsel for Plaintiff Sierra Club

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SIERRA CLUB,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF ENERGY,

Defendant.

Case No: 3:19-cv-02246-LB

**REQUEST TO PARTICIPATE IN
INITIAL CASE MANAGEMENT
CONFERENCE BY TELEPHONE**

Date: July 25, 2019

Time: 11:00 a.m.

Location: Courtroom B, 15th Floor
Phillip Burton Federal Bldg.
450 Golden Gate Avenue
San Francisco, CA 94102

Hon. Laurel Beeler

TO THE COURT, PARTIES, AND ALL ATTORNEYS OF RECORD:

Pursuant to Local Rule 16-10(a), Plaintiff Sierra Club respectfully requests that this Court

REQUEST TO APPEAR TELEPHONICALLY
CASE NO. 3:19-cv-02246-LB

1 grant permission to Cassandra R. McCrae and Kim Smaczniak of Earthjustice to appear by
 2 telephone for the Initial Case Management Conference scheduled for July 25, 2019, at 11:00 a.m.
 3 Due to scheduling conflicts, none among Plaintiff's counsel is available to attend the Initial Case
 4 Management Conference in-person as presently scheduled. Sierra Club remains strongly committed
 5 to moving this case forward toward resolution in a timely manner, and therefore seeks to participate
 6 by telephone rather than continue the Initial Case Management Conference.
 7

8 In support of this request, the undersigned represent that Ms. McCrae, Plaintiff's Lead
 9 Counsel, and Ms. Smaczniak have conflicts on July 25, 2019, that prevent their travel to Oakland,
 10 but would allow participation in the Initial Case Management Conference by telephone. As reflected
 11 in the parties' Joint Case Management Statement, the parties are actively moving this dispute
 12 forward. On June 28, 2019, Defendant U.S. Department of Energy ("DOE") produced an initial
 13 partial response to Plaintiff's Freedom of Information Act request, and the parties are continuing to
 14 collaborate to prioritize the DOE's search, review, and production of additional responsive
 15 documents. Plaintiff's counsel conferred with Defendant's counsel and reports that Defendant does
 16 not oppose this request.
 17

18 WHEREFORE, Plaintiff respectfully requests leave of this Court for Cassandra R. McCrae
 19 and Kim Smaczniak to appear by telephone for the July 25, 2019 Initial Case Management
 20 Conference.
 21

22 DATED: July 17, 2019

Respectfully submitted,

23 /s/ Cassandra R. McCrae

24 CASSANDRA R. McCRAE

25 Texas Bar No. 24094830

Admitted *pro hac vice*

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UNITED STATES DEPARTMENT OF ENERGY,

Defendant.

Case No: 3:19-cv-02246-LB

**[PROPOSED] ORDER GRANTING
TELEPHONIC APPEARANCE**

Plaintiff's motion to appear telephonically at the Initial Case Management Conference on July 25, 2019, at 11:00 a.m. is GRANTED.

Counsel shall comply with the Court's Standing Order on Procedures for Telephonic Appearances, available online at <https://www.cand.uscourts.gov/lborders>. This includes personally arranging the telephonic appearance with CourtCall—a paid, private service—in advance of the hearing date.

IT IS SO ORDERED.

MAGISTRATE JUDGE LAUREL BEELER